



Northern
Ireland
Office

Summary of Responses
to Consultation on
measures to improve the
operation of the Northern
Ireland Assembly

February 2013

A. Introduction

1. In August 2012, the Northern Ireland Office published a consultation paper on measures to improve the operation of the Northern Ireland Assembly. The consultation closed on 23 October 2012 and a total of forty eight responses were received from various groups and individuals. This document summarises the content of those responses.

2. This document is available on the NIO website: www.nio.gov.uk under Public Consultation. Printed copies of this response may also be obtained free of charge from:

Summary of Responses to Consultation on the NI Assembly
Constitutional and Political Group
11 Millbank
London
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3. You may make additional copies of this response without seeking permission. This document can also be made available on request in different formats for individuals with particular needs. Please call 0207 210 6566 for any queries in relation to this response. The NIO textphone number is 02890 527668.

B. Summary of Responses

4. In total, there were 48 responses: 10 of which are from political parties; 5 from other organisations; and the remaining 33 from private individuals – of which 2 were anonymous.

Number of Seats in the Assembly

5. The number of seats in the Assembly would have automatically reduced from 108 to 96 following the planned reduction in Westminster constituencies flowing from the Parliamentary Voting System and Constituencies Act 2011. Notwithstanding the outcome of that work, commitments were given to parties in the Assembly that a legislative vehicle would be made available to implement any agreement reached with them on the size of the Assembly at a later date. The consultation asked what the size of the future Assembly should be.

6. There were 31 individual responses to this specific question. All but two favour some form of reduction in size. Suggestions for an appropriate number of seats varied from anything between 96 to 'as small as possible'. The most popular suggestions were reductions to 90, 80 or 72 seats, each of which was favoured by 5 people. Some of those who proposed 72 seats were also content with 64, should the number of Westminster constituencies reduce. There seems to be a general desire to maintain the link with the Westminster constituencies, although there were some proposals for various other means of cutting the size.

7. The Democratic Unionist Party response said that party would prefer to maintain the link with Westminster constituencies and believes that the number of MLAs per constituency should reduce to 4, giving a total of 72 seats. However, they indicated that a reduction to 5 x 18 constituencies and therefore a total of 90 MLAs would be an acceptable interim measure.

8. The Alliance Party would also prefer to maintain the link with Westminster constituencies and proposed that the number of MLAs should reduce to 5 per constituency, giving a total of 90 seats. However, in the longer term, it would favour the Assembly reducing to 80 seats.

9. The Ulster Unionist Party also favours a reduction in the size of the Assembly to 96 at the next election, as a step on the way to a greater, unspecified reduction at a later date.

10. The Social Democratic and Labour Party would prefer the number of seats to remain at 108.

11. Among the other political parties and groups, the Labour party favours a reduction to 90 seats – 5 MLAs per constituency, whilst the Northern Ireland Conservatives suggest a reduction to a 64 seat model over 3 elections – resulting eventually in 4 MLAs x 16 putative Westminster constituencies. The Green Party favours a reduction to 80 seats, but only in conjunction with electoral reform. The Ulster Young Unionist Council (UYUC) did not want to see the number of seats reduced.

Combination of Elections/Length of Assembly Term

12. The consultation asked, firstly, whether the life of the current Assembly should be extended by one year, from 2015 to 2016, to avoid duplication of Westminster and Assembly elections in May 2015 and, secondly, whether the Assembly should move to a fixed 5-year term permanently, as has already been established at Westminster and for the devolved legislatures in Cardiff and Edinburgh. The Government has consistently made clear that any move to extend the length of the current term could only be made if there was a clearly demonstrable public benefit, and a very large measure of agreement in Northern Ireland. Whilst there were only a small number of consultation responses on this issue, they do tend to suggest that there does not exist, as yet, significant agreement to this proposal.

13. The responses from individual correspondents were, in the main, against extending the current term. There were 27 responses to this question: 23 of which were against the proposal. There appears to be a good deal of frustration with the perceived inertia of the Assembly and the opinion frequently voiced was that extending the term would only add to this. There was somewhat less strength of opinion on the issue of moving to a 5 year fixed term, but a slight majority were against the idea. Given the proportion of responses favouring Assembly elections in 2015, the issue of decoupling did not really arise, and most people did not answer this question directly.

14. Amongst the parties, the DUP favours extending the current term by one year and holding the next Assembly elections in 2016. It suggests that it is undesirable to hold Westminster and Assembly elections on the same day, as this could lead to voter confusion, and so, should the date be moved to 2016, it would also favour moving to 5 year fixed terms for the Assembly, to avoid a clash in 2020.

15. The Alliance Party believes that the current term should be extended to 2016 and should move thereafter to 5 year fixed terms.

16. The UUP does not want the current term to be extended but does favour moving to 5 year fixed terms after the scheduled elections in 2015.

17. The SDLP does not want an extension of the current term and considers that further consultation on a move to 5 year fixed terms would be necessary before the next Assembly elections.

18. The Labour Party does not oppose decoupling or extending the current term, but acknowledges that there are opposing views on the issue in Northern Ireland, although the NI branch of the party feels that extending the current term would be undemocratic. The NI Conservatives would prefer to maintain the status quo and hold the election for another 4 year term as planned in 2015. The Green Party would prefer that the next Assembly elections are held in March 2015 and that there should not be a move to 5 year fix terms. The UYUC also would prefer to maintain the status quo.

Double Jobbing

19. The Government has always been clear that it wants to see this practice ended by agreement if possible but by legislation if necessary. In its 2011 report, the Commission on Standards in Public Life recommended that legislation to bring the practice to an end should be introduced by the time of the next Assembly elections due in May 2015. The consultation asked how this could best be achieved, and whether any such ban should extend to the House of Lords as well as the Commons.

20. The majority of respondents favoured enacting primary legislation as soon as possible to ban double jobbing: of those who answered these questions – 28 in total - only two people felt that dual mandates were acceptable. A smaller number also favoured banning the practice in the Lords as well.

21. The DUP reiterated its intention to end dual mandates among its members by 2015. It would prefer that the practice was ended by agreement, however feels it would be 'prudent' to take a power enabling legislation if such an agreement was not forthcoming or proved unsuccessful. The party is against banning double jobbing between the Lords and Assembly.

22. The Alliance Party favours immediate legislation to end double jobbing between the Commons and Assembly. It is, however, less concerned about dual mandates in the Lords and feels that this issue is best considered in the wider context of Lords reform.

23. The UUP would also prefer legislation to end double jobbing to be implemented prior to the next set of elections, and also sees merit in banning dual mandates between the Lords and the Assembly.

24. The SDLP would like an end to dual mandates, but with a particular exemption for a party leader who is a MLA and MP.

25. The NI Conservatives would prefer to see double jobbing between both Lords and Commons and the Assembly banned by legislation before 2015; the Labour Party also wants to see the practice ended but is silent as to how this should be achieved. The UYUC also favours primary legislation as soon as possible, but makes no mention of the situation in the Lords. The Green Party would like to see all dual mandates ended by immediate legislation.

Opposition

26. Finally, the consultation document also requested views on whether it was possible or desirable to move away from the current Executive system of multi-party coalition with Ministers appointed by the d'Hondt procedure in relation to the Assembly strengths of the parties, towards a more 'normal' system that allows for inclusive government but also opposition in the Assembly.

27. Given the complexity of the issues and practicalities of moving to a system of government and opposition, it is perhaps not surprising that this question created the most controversy and generated the greatest diversity of response. The majority of respondents favoured making changes to the current system – and were for the most part fairly negative about the efficacy of the current Executive – but there were widely varying ideas about what could be done to improve it. A small number wanted a return to direct rule from Westminster, others expressed frustration that those they perceived to be terrorists were in government, and some were concerned that any move to create an opposition would destroy the principles of inclusivity and power-sharing set out in the Good Friday Agreement.

28. The DUP favours the creation of a voluntary coalition at Stormont involving both a Government and an Opposition. Given that gaining cross-community support for this change is unlikely in the near future, it urges the Government to legislate at Westminster to allow, in due course, the Assembly to legislate for changes to the

devolved institutions, albeit with the consent of the Secretary of State for Northern Ireland.

29. The Alliance Party also supports the transition to a 'government and opposition' model of governance. Like the DUP, it believes that it may be legitimate to introduce enabling legislation at Westminster at this stage, on the understanding that implementation will depend on a request being formally received from the Assembly.

30. The UUP also favours the introduction of an 'Official and Loyal Opposition, loyal to the institutions of Assembly and Executive' although it does not expand on how this might be achieved.

31. The SDLP concludes that an opposition option should be built into the structures of the Assembly in a future mandate. It would not be 'mandatory'; that an opposition is formed. Parties would be guaranteed their d'Hondt entitlement under powersharing arrangements if a party chooses to claim that entitlement. FM/DFM would be elected by cross community vote to ensure a government representing both main political traditions.

32. The NI Conservatives agree that an opposition should be created; whilst the Labour party did not express a concrete view. The UYUC also advocates introducing an opposition by legislating for an opportunity for parties to opt out of mandatory coalition, with the attachment of special speaking rights, financial resources and privileges for doing so – similar measures to those advocated by the Conservatives. The Green Party also advocates establishing a formal coalition.